

EXHIBIT A



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

January 16, 2024

Ms. Denise Faulk
Assistant U.S. Attorney
State Bar No. 12700
United States Courthouse
405 W. Congress Street, Suite 4800
Tucson, Arizona 85701

Mr. Clay Cook
Supervisory Attorney, BOP
Phoenix Consolidated Legal Center
37900 North 45th Avenue
Phoenix AZ 85086

Re: Raniere v. Garland et al.; Case 4:22-cv-00561-RCC
Settlement Discussions

Dear AUSA Faulk and Mr. Cook,

In an effort to resolve the pending litigation between Mr. Raniere and the Government, we are providing you with the following analysis and requests in a good faith effort to settle the pending litigation. There are 8 requests, they are simple, easily digestible, and really most of them we should not even have to ask for based on BOP policies. Since the day Mr. Aidala and I were retained last March, we have honored and kept true to our word about a detente, no further filings of any kind, and Mr. Raniere's perfect custodial adjustment.

WHERE WE STAND

1. PLAINTIFF HAS TO FILE A **REPLY TO DEFENDANTS MOTION TO DISMISS BY JANUARY 19, 2024**
2. JUDGE HAS **NOT RULED** YET ON THE PLAINTIFF'S MOTION FOR LIMITED DISCOVERY FILED JUNE 8, 2023

Mr. Raniere's reply to the Motion to Dismiss is due this Friday, January 19, 2024. As I promised Mr. Cook several weeks ago, it is our intention to resolve this amicably however, understanding that we may not be able to do this by Friday as we have had extremely limited access to Mr. Raniere in order to finalize this document, we are going to ask for your concurrence and agreement to request an extension of 2 to 4



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsidelt.com

weeks so that we may resolve this without further court action. We would be grateful if you agreed to the extension.

In a further effort to keep this simple and at a high level, I have taken the liberty of first laying out Mr. Raniere's settlement requests and then the basis of those requests. Again, particularly because I am not an attorney, I am not trying to litigate the case here, I am trying to provide a reasoned outline for a discussion that makes sense and is grounded in reality, facts and what we perceive to be logic.

PROPOSED SETTLEMENT REQUESTS

- 1. Legal Calls:** two (2) legal calls per week, each 2 hours in duration. (Please note that I have spoken with several retired Wardens keeping all names confidential and they all told me this would "make their life easy if told by Supervisory Counsel to do this").
- 2. Legal Visits:** two (2) legal visits per month (one every other week with similar commentary from several retired Wardens).
- 3. Visitors List (personal):** confirmation / restoration of visiting privileges Eduardo Asunsolo. It is our understanding that he is still approved to visit Mr. Raniere.
- 4. Call List (personal):** restoration and/or addition of the following individuals:
 - a. Craig Rothfeld, legally authorized BOP and DOJ representative.
 - b. Eduardo Asunsolo.
- 5. TRULINCS/CORRLINKS:** approved Trulines access / usage with Craig Rothfeld and Mr. Raniere's attorneys only.
- 6. Single Cell:** Mr. Raniere would like to be in a single cell without a roommate for the obvious security reasons. It was explained to us that he has a cellmate for security purposes, but we are respectfully requesting no cellmate for Mr. Raniere to protect his security.
- 7. UPS Tucson:** Mr. Raniere is requesting that he remain at USP Tucson at



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

least through the resolution of his Rule 33 motion / litigation so as to not further disrupt or complicate our already very limited access to Mr. Raniere.

8. Suneel Chakravorty (power of attorney): a request that Mr. Chakravorty, already recognized by the Warden as a legal professional, be permitted to attend legal visits only (not social phone calls or Trulincs) always accompanied by an approved attorney.

BASIS FOR PROPOSED SETTLEMENT TERMS

Since August 24, 2023, Mr. Raniere has been forced to request six (6) different extension requests on his rule 33 motion (all granted) due to his lack of access to counsel. Each time the court has been informed that Mr. Raniere has been denied the ability to properly defend himself.

With regards to the current matter in Arizona,

Count One asserts a violation of Plaintiff's First Amendment right of access to the courts based on Defendants' alleged interference with Plaintiff's ability to communicate with his attorneys and their agents.

Count Three asserts a violation of Plaintiff's Sixth Amendment right to counsel based on Defendants' alleged interference with the confidential relationship between Plaintiff and his criminal defense attorney. Plaintiff seeks a declaratory judgment, prospective injunctive relief, and attorney's fees and costs.

1. **Mr. Raniere has not had an in person legal visit since September 26, 2023.** That is 3 months and 3 weeks which reasonable minds would agree is a violation of *Copeland v. United States and Nordstrom v. Ryan* ("[i]t is well established that an accused does not enjoy the effective aid of counsel if he is denied the right of private consultation with him"); *see also*



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

Nordstrom v. Ryan, 762 F.3d 903, 910 (9th Cir. 2014) ("the right to privately confer with counsel is nearly sacrosanct").

2. The following is a recap of the extremely limited access Mr. Raniere has had to counsel via legal calls over the past 3.5 months.

Sixteen (16) total legal calls totaling 22.6 hours over a three-and-a-half (3.5) month period. That is an average of 6.35 hours of legal calls per month which is not enjoying effective aid of counsel.

- a. October 2023. Two (2) legal calls for the entire month for a cumulative total of 4.6 hours.
- b. November 2023. Five (5) legal calls for the entire month for a cumulative total of 6.3 hours.
- c. December 2023. Seven (7) legal calls for the entire month for a cumulative total of 9.55 hours.
- d. January 2024. Two (2) legal calls month to date for a cumulative total of 1.78 hours.

3. It has been explained to us that Mr. Raniere cannot have the same amount of time on a legal call while he is in the SHU (involuntarily). His legal call time was extremely limited when was in the SHU (again no fault of his own). However, this is not BOP policy which states *that Legal calls for inmates in the Special Housing Unit (SHU) is the same as those of inmates in general population, except that the inmate is placed in an assigned room to complete the legal call, instead of a staff office.*

Count Two asserts a First Amendment retaliation claim based on Defendants' alleged interference with Plaintiff's right to communicate with friends, a business partner, and criminal defense attorneys and their agents about his finances, legal affairs, conditions of confinement, and preparation for a new criminal trial.



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

1. With the approval of the SIS Department, Mr. Raniere would like to be approved for usage of TRULINCS and have Craig Rothfeld and Mr. Raniere's attorneys added to his approved TRULINCS list. Individuals with sex offenses are not prohibited from using TRULINCS, it is a discretionary decision, and we are respectfully requesting this be discretionarily approved. Mr. Rothfeld represents dozens of individuals within the BOP without incident, and his attorneys are self-explanatory.
2. Use of TRULINCS is a privilege; therefore, the Warden may limit or deny the privilege of a particular inmate." P.S. 4500.12, Trust Fund/Deposit Fund Manual, p. 126.

We hope these proposed settlement terms are received in the spirit they are being sent which is to resolve this litigation which would obviously provide some benefits to Mr. Raniere but would also provide benefits to the BOP and DOJ including but not limited to more bad news in the press on the heels of Derek Chauvin and other recent atrocities which would come to light in further filings.

We look forward to hearing back from you.

Very Truly Yours,
Inside Outside Ltd.

Craig Rothfeld

Craig Rothfeld
M.A. Criminal Justice
PG Cert., CSSA, MBA

Al Dirschberger

From: Craig Rothfeld
Sent: Wednesday, April 24, 2024 10:18 PM
To: Al Dirschberger
Subject: FW: Information for AZ Lawsuit
Attachments: 2023_09_26_Doc_1221.pdf; 2023_10_18_Doc_1222_Extension.pdf; 2023_09_14_Doc_1220.pdf; 2023_08_24_Doc_1217_Extension.pdf; 2023_11_28_Doc_1226.pdf; KR CALL LOG (April 2023 thru Present).xlsx; 2023_11_20_ExtensionRequest_in_Reconsideration Motion.pdf

Craig A. Rothfeld
M.A. Criminal Justice
PG Cert., CSSA, MBA
Founder, Inside Outside™
Main: (212) 202-5556
Fax: (212) 898-1275
Web: www.insideoutsideltd.com

Disclaimer: This message and attachments are PRIVATE, are sent by a CONSULTING FIRM, and may be CONFIDENTIAL. In addition, this message may be an ATTORNEY-CLIENT communication and as such is privileged and confidential. If you are not the intended recipient, please note that any disclosure, copying, distribution or use of the information contained in, or attached to, this message is strictly prohibited by law. Please notify the sender of the delivery error by replying to this message, and then immediately delete it from your inbox, deleted files and entire system. Inside Outside Ltd. is a consulting and advisory services company. We are not attorneys and we do not provide legal advice or legal services.

From: Suneel Chakravorty <suneel@suneelchakravorty.com>
Sent: Saturday, January 13, 2024 3:47 PM
To: Craig Rothfeld <craig@insideoutsideltd.com>
Cc: Eduardo Asunsolo <easunsolor@gmail.com>; James Grant (theraven@3eyedraveninvestigations.com) <theraven@3eyedraveninvestigations.com>
Subject: Information for AZ Lawsuit

Hi Craig,

Please find attached:

- Table of all calls from April 2023 til present and their durations
- All of the requests for extensions in the criminal case due to the BOP issues
 - a. 8/24/23: Extension request
 - b. 9/14/23: Extension request
 - c. 9/26/23: Extension request
 - d. 10/18/23: Extension request
 - e. 11/20/23: Extension request made in the reconsideration motion (Doc. 1225)
 - f. 11/28/23: Confirming extension request was granted

I'm going through the table and motion draft you sent next and will send back any thoughts later today.



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

January 16, 2024

Ms. Denise Faulk
Assistant U.S. Attorney
State Bar No. 12700
United States Courthouse
405 W. Congress Street, Suite 4800
Tucson, Arizona 85701

Mr. Clay Cook
Supervisory Attorney, BOP
Phoenix Consolidated Legal Center
37900 North 45th Avenue
Phoenix AZ 85086

Re: Raniere v. Garland et al.; Case 4:22-cv-00561-RCC
Settlement Discussions

Dear AUSA Faulk and Mr. Cook,

In an effort to resolve the pending litigation between Mr. Raniere and the Government, we are providing you with the following analysis and requests in a good faith effort to settle the pending litigation. There are 8 requests, they are simple, easily digestible, and really most of them we should not even have to ask for based on BOP policies. Since the day Mr. Aidala and I were retained last March, we have honored and kept true to our word about a detente, no further filings of any kind, and Mr. Raniere's perfect custodial adjustment.

WHERE WE STAND

- 1. PLAINTIFF HAS TO FILE A REPLY TO DEFENDANTS MOTION TO DISMISS BY JANUARY 19, 2024**

- 2. JUDGE HAS NOT RULED YET ON THE PLAINTIFF'S MOTION FOR LIMITED DISCOVERY FILED JUNE 8, 2023**

Mr. Raniere's reply to the Motion to Dismiss is due this Friday, January 19, 2024. As I promised Mr. Cook several weeks ago, it is our intention to resolve this amicably however, understanding that we may not be able to do this by Friday as we have had extremely limited access to Mr. Raniere in order to finalize this document, we are going to ask for your concurrence and agreement to request an extension of 2 to 4



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsidelt.com

weeks so that we may resolve this without further court action. We would be grateful if you agreed to the extension.

In a further effort to keep this simple and at a high level, I have taken the liberty of first laying out Mr. Raniere's settlement requests and then the basis of those requests. Again, particularly because I am not an attorney, I am not trying to litigate the case here, I am trying to provide a reasoned outline for a discussion that makes sense and is grounded in reality, facts and what we perceive to be logic.

PROPOSED SETTLEMENT REQUESTS

- 1. Legal Calls:** two (2) legal calls per week, each 2 hours in duration. (Please note that I have spoken with several retired Wardens keeping all names confidential and they all told me this would "make their life easy if told by Supervisory Counsel to do this").
- 2. Legal Visits:** two (2) legal visits per month (one every other week with similar commentary from several retired Wardens).
- 3. Visitors List (personal):** confirmation / restoration of visiting privileges Eduardo Asunsolo. It is our understanding that he is still approved to visit Mr. Raniere.
- 4. Call List (personal):** restoration and/or addition of the following individuals:
 - a. Craig Rothfeld, legally authorized BOP and DOJ representative.
 - b. Eduardo Asunsolo.
- 5. TRULINCS/CORRLINKS:** approved Trulincs access / usage with Craig Rothfeld and Mr. Raniere's attorneys only.
- 6. Single Cell:** Mr. Raniere would like to be in a single cell without a roommate for the obvious security reasons. It was explained to us that he has a cellmate for security purposes, but we are respectfully requesting no cellmate for Mr. Raniere to protect his security.
- 7. UPS Tucson:** Mr. Raniere is requesting that he remain at USP Tucson at



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideltd.com

least through the resolution of his Rule 33 motion / litigation so as to not further disrupt or complicate our already very limited access to Mr. Raniere.

8. Suneel Chakravorty (power of attorney): a request that Mr. Chakravorty, already recognized by the Warden as a legal professional, be permitted to attend legal visits only (not social phone calls or Trulincs) always accompanied by an approved attorney.

BASIS FOR PROPOSED SETTLEMENT TERMS

Since August 24, 2023, Mr. Raniere has been forced to request six (6) different extension requests on his rule 33 motion (all granted) due to his lack of access to counsel. Each time the court has been informed that Mr. Raniere has been denied the ability to properly defend himself.

With regards to the current matter in Arizona,

Count One asserts a violation of Plaintiff's First Amendment right of access to the courts based on Defendants' alleged interference with Plaintiff's ability to communicate with his attorneys and their agents.

Count Three asserts a violation of Plaintiff's Sixth Amendment right to counsel based on Defendants' alleged interference with the confidential relationship between Plaintiff and his criminal defense attorney. Plaintiff seeks a declaratory judgment, prospective injunctive relief, and attorney's fees and costs.

1. **Mr. Raniere has not had an in person legal visit since September 26, 2023.** That is 3 months and 3 weeks which reasonable minds would agree is a violation of *Copeland v. United States* and *Nordstrom v. Ryan* ("[i]t is well established that an accused does not enjoy the effective aid of counsel if he is denied the right of private consultation with him"); *see also*



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsidelt.com

Nordstrom v. Ryan, 762 F.3d 903, 910 (9th Cir. 2014) ("the right to privately confer with counsel is nearly sacrosanct").

2. The following is a recap of the extremely limited access Mr. Raniere has had to counsel via legal calls over the past 3.5 months.

Sixteen (16) total legal calls totaling 22.6 hours over a three-and-a-half (3.5) month period. That is an average of 6.35 hours of legal calls per month which is not enjoying effective aid of counsel.

- a. October 2023. Two (2) legal calls for the entire month for a cumulative total of 4.6 hours.
- b. November 2023. Five (5) legal calls for the entire month for a cumulative total of 6.3 hours.
- c. December 2023. Seven (7) legal calls for the entire month for a cumulative total of 9.55 hours.
- d. January 2024. Two (2) legal calls month to date for a cumulative total of 1.78 hours.

3. It has been explained to us that Mr. Raniere cannot have the same amount of time on a legal call while he is in the SHU (involuntarily). His legal call time was extremely limited when was in the SHU (again no fault of his own). However, this is not BOP policy which states *that Legal calls for inmates in the Special Housing Unit (SHU) is the same as those of inmates in general population, except that the inmate is placed in an assigned room to complete the legal call, instead of a staff office.*

Count Two asserts a First Amendment retaliation claim based on Defendants' alleged interference with Plaintiff's right to communicate with friends, a business partner, and criminal defense attorneys and their agents about his finances, legal affairs, conditions of confinement, and preparation for a new criminal trial.



Inside Outside Ltd.
PRE & POST SENTENCING
MITIGATION

Craig Rothfeld, Founder
Criminal Sentencing & Sentencing Advocacy
(212) 202-5556 www.insideoutsideldt.com

1. With the approval of the SIS Department, Mr. Raniere would like to be approved for usage of TRULINCS and have Craig Rothfeld and Mr. Raniere's attorneys added to his approved TRULINCS list. Individuals with sex offenses are not prohibited from using TRULINCS, it is a discretionary decision, and we are respectfully requesting this be discretionarily approved. Mr. Rothfeld represents dozens of individuals within the BOP without incident, and his attorneys are self-explanatory.
2. Use of TRULINCS is a privilege; therefore, the Warden may limit or deny the privilege of a particular inmate." P.S. 4500.12, Trust Fund/Deposit Fund Manual, p. 126.

We hope these proposed settlement terms are received in the spirit they are being sent which is to resolve this litigation which would obviously provide some benefits to Mr. Raniere but would also provide benefits to the BOP and DOJ including but not limited to more bad news in the press on the heels of Derek Chauvin and other recent atrocities which would come to light in further filings.

We look forward to hearing back from you.

Very Truly Yours,
Inside Outside Ltd.

CA Rothfeld

Craig Rothfeld
M.A. Criminal Justice
PG Cert., CSSA, MBA